

DEPARTMENT OF HEALTH SERVICES

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December 8, 1995

TO: All County Welfare Directors
All County Administrative Officers
All County Medi-Cal Program Specialists/Liaisons

Letter No.: 95-81

**CLARIFICATION OF ALL COUNTY WELFARE DIRECTORS LETTER (ACWDL)
NO. 95-51: PROCESSING RETROACTIVE MEDI-CAL ELIGIBILITY FOR
SUPPLEMENTAL SECURITY INCOME/STATE SUPPLEMENTARY PAYMENT
(SSI/SSP) RECIPIENTS**

Due to questions received by the Medi-Cal Eligibility Branch (MEB) from the Disability Evaluation Division (DED) concerning MEB's questions and answers in ACWDL No. 95-51, the following questions and answers are presented to provide further clarification of the issues.

Situation 1: An individual's SSI/SSP is approved April 1994. He submits a written request to the CWD in January 1995 for retro Medi-Cal for January through March 1994.

Question 1: Can he get retro Medi-Cal for these months?

Answer: If the required Medi-Cal linkage is disability and the individual is not receiving or approved for Social Security (Title II) disability benefits during the period in question, a full disability packet to the Disability Evaluation Division (SP-DED) will be necessary to determine whether he meets the disability requirements for the retro months. If SP-DED approves disability from January 1994, and he is otherwise eligible, he is entitled to Medi-Cal for the retro months.

Reference: Medi-Cal Eligibility Procedures Manual (MEPM), Article 22, Section C-1.4, B and Section C-6.3, C.

Situation 2: An individual's SSI/SSP application is approved April 1994. He submits a written request to the county in February 1995 for retro Medi-Cal for the months of January through March 1994.

Question 2: Can he get retro Medi-Cal for these months?

Answer: He can only get retro benefits for February and March 1994. Title 22, California Code of Regulations, Section 50184 states that an application for retro Medi-Cal coverage must be submitted within one year of the month for which retro coverage is requested. It is now too late to be found eligible for January 1994 since January exceeds the one year period. For the months of February and March 1994, the procedures are the same as discussed in the answer to Question 1.

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Situation 3: An individual submits a written request for retro Medi-Cal in April 1995. The request is for April through June 1994. She applied for SSI/SSP benefits in July 1994 but was denied.

Question 3: Can she get retro Medi-Cal for these months?

Answer: If she is applying on the basis of disability, the CWD should check the SSA/SP-DED Referral Chart in the MEPM, Article 22, Section C-1.6, to determine whether a disability packet should be sent to SP-DED, as there are specific situations where SP-DED cannot make an independent decision on a previously denied SSA claim. If SP-DED is sent a full disability packet for an independent decision and determines that she is disabled from April 1994, and she is otherwise eligible, the CWD can approve Medi-Cal for the retro months. The applicant may also be eligible under a separate, non-DED related Medi-Cal program as well. Those programs listed in Title 22, Section 50201 should be considered.

Situation 4: An individual applies for SSI/SSP in January, but is denied in February 1995. She applies for Medi-Cal in March 1995. The CWD denies her Medi-Cal application because the SSA/SP-DED Referral Chart shows that SSA has jurisdiction over the claim. However, SSA subsequently approves her SSI/SSP claim in August 1995 with an onset date of January 1995. She informs the CWD that she still needs retro coverage for November and December 1994.

Question 4: What action should the CWD take?

Answer: The CWD needs to send a full disability packet, including the SSA award letter to SP-DED. If SP-DED sets the onset date to November 1994, the CWD can rescind the original Medi-Cal denial and approve retro Medi-Cal, if she is otherwise eligible.

Reference: MEPM, Article 22, Section C-1.2, B and C-1.6.

Situation 5: An individual applies for SSI/SSP based on disability in July 1995 and is approved by SSA with a July 1995 disability onset date. However, SSA found that he had excess income for July and August 1995, so the effective date of his SSI/SSP eligibility is September 1995. He then applies for Medi-Cal stating he needs help with unpaid medical bills from April 1995.

Question 5: What action should the CWD take?

Answer: Retro onset can only be considered for the three months prior to the SSI/SSP application date of July 1995, that is, from April through June 1995. Although the client was technically denied by SSA for July and August 1995 on the basis of excess income,

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since there is verification of a "disability onset date" of July 1995, he would be eligible for those two months if he was otherwise eligible for Medi-Cal. The CWD should send a full disability packet to SP-DED requesting a retro onset evaluation for the months of April through June 1995. If SP-DED determines that he meets the disability criteria from April 1995 forward, and if he is otherwise eligible, the CWD can approve retro Medi-Cal effective April 1995.

If you have any questions or comments concerning disability issues, please direct them to Marie Taketa at (916) 657-1250. Questions or comments concerning retroactive Medi-Cal eligibility should be directed to Gary Varner at (916) 654-5321.

Sincerely,

ORIGINAL SIGNED BY

Frank S. Marfuccī, Chief
Medi-Cal Eligibility Branch